

An information disclosure statement was filed in this case on February 2, 2002. The Office action did not include an initialed copy of the citation list from the IDS. Applicant requests that the Examiner initial and return the enclosed courtesy copy of the submitted IDS citation sheet (form 1449) with the next communication.

New claim 17 depends from claim 1 and sets forth a maximum aluminum content in the pigmented layer. Basis for this limitation can be found on page 2 of the patent application. The Examiner has cited the combination of U.S. Patent No. 5,851,614 to Buck and U.S. Patent No. 5,891,552 to Lu et al. in the most recent Office action. In particular, the Examiner cited Lu for specifying a concentration between 5% and 70% of opacifying particulates such as aluminum. Claim 7 requires that the pigment layer has no more than 5 wt. % of aluminum powder. Lu does not teach a concentration of no more than 5%. In fact, Lu teaches away from this lesser amount, calling more specifically for a concentration between 10% and 45%. Because Lu does not teach or suggest that the concentration of aluminum should be no more than 5 wt. %, claim 7 defines over the combination of Buck and Lu.

New claim 18 depends from claim 1 and sets forth a maximum aluminum content in the pigmented layer of no more than 1.5 wt. %. For the reasons set forth previously with respect to claim 7, claim 8 also defines over the combination of Buck and Lu.

In the Office action, the Examiner rejected claims 1-16 under 35 U.S.C. 103(a) as obvious over Buck in view of Lu and further in view of JP 1115391 to Sangyo. Claim 1 has been amended to recite "opaque" pigment layer. The invention of claim 1 as amended can completely hide an underlying print on the substrate. When trying to cover underlying print,

it was found that simply increasing the level of white or silver pigment, as disclosed in the Japanese reference, is insufficient. Either the label would not become opaque, or the pigment loading would be so high that the printing of the label would become problematic, such that no proper label could be obtained. The combination of both a pigment and the aluminum powder as required by claim 1 make it possible to prepare an opaque layer and print that layer without substantial printing problems. For this reason, claim 1 as amended defines over the cited combinations. Claims depending from claim 1 define over the cited art for the same reasons.

For the reasons set forth above, it is believed that the claims as currently amended define over the cited art. A notice of allowance is therefore respectfully requested. If any fees are required by this communication, please charge such fees to our Deposit Account No.

160820 Order No. 34434.

Respectfully submitted,

PEARNE & GORDON LLP

By Brian A. Bargmeyer
Brian A. Bargmeyer, Reg. No. 47404

526 Superior Avenue East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

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INDICATION OF REVISIONS TO CLAIM 1
OF U.S. SERIAL NO. 10/069,263

1. (Amended) Transfer label material for image transfer, comprising a backing carrier material and a transfer layer, said transfer layer at least comprising an image layer, and adhesive layer and an opaque pigmented layer between the adhesive layer and the image layer, said pigmented layer comprising a binder material, at least one pigment and at least 0.1 wt%, calculated on the basis of the pigment layer, of aluminum powder (dry weight).